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Fresno, California

May 18 , 2004

The City Council met in regular session at the hour of 8:31a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation, and Councilmember Sterling led the Pledge of Allegiance to the Flag.

PROCLAMATION OF SUNNYSIDE HIGH SCHOOL CHAMBER CHOIR DAY - COUNCILMEMBER DAGES

Read and presented.

SPECIAL RECOGNITION BY CITY MANAGER HOBBS TO POLICE CHIEF DYER

City Manager Hobbs presented a plaque with the inscription "Fresno's Top Cop" to Chief Dyer in honor of his exemplary work ethic, professionalism and leadership.

PROCLAMATION OF BIKE WEEK

PROCLAMATION OF PUBLIC WORKS WEEK

The above proclamations were read and presented.

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The City's new Aviation Director, Russ Widmar, was introduced to Council by City Manager Hobbs. Mr. Widmar stated he was excited and happy to be here in Fresno and back in California, and stated he was impressed with what he has seen and he could not wait to get started.

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APPROVE MINUTES:

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of May 11, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

RECOGNITION/COMMENDATION BY COUNCILMEMBER DUNCAN ON HIS SON, RICK'S, GRADUATION FROM FRESNO STATE WITH DEGREES IN ECONOMICS AND MARKETING

Commendation made with Councilmember Duncan stating he was very proud of his son.

RAILROAD TRACK CROSSING IN SOUTHEAST FRESNO - COUNCILMEMBER DUNCAN

Councilmember Duncan advised another accident happened at the crossing which he has been trying to get improved which involved strawberries this time and wherein a truck was demolished, noted there are no crossing arms and the situation there is unique in that trains are stored out of site of drivers crossing the tracks, and stated one life has already been taken there and requested the city manager get public works to address the issue.

COMMENDATION TO (1) JERRY BISHOP AND MATT LOPEZ OF THE PERMIT SECTION, AND FIRE INSPECTOR MIKE SCHMIDT FOR THEIR HELP TO PEOPLE WITH THE BUILDING RETROFIT PROGRAM AND PROCESS; AND (2) LINDSAY MILLER AND OTHER PARKS AND RECREATION STAFF FOR THEIR WORK IN PUTTING ON THE FAMILY AWARENESS EVENT THIS PAST WEEKEND - COUNCILMEMBER BOYAJIAN

Commendations made.

VISIT TO THE FIRST AND THIRD FLOORS OF CITY HALL - ACTING PRESIDENT PEREA

Acting President Perea advised he visited the two floors last Friday to introduce himself and stated it was a fun experience, he met a lot of great employees, and encouraged his colleagues to do the same.

RECOGNITION/COMMENDATION BY PRESIDENT CASTILLO ON HIS SON, KYLE'S, GRADUATION FROM BULLARD HIGH SCHOOL AND THE CART PROGRAM

Commendation made with President Castillo stating Kyle had a phenomenal GPA and congratulated him.

APPROVE AGENDA:

(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2 , ANNEXATION NO. 68, FINAL TRACT MAP NO. 5163
(CONTINUE TO MAY 25, 2004, AT 10:00 A.M.)

Continued as noted.

(1-L) APPROVE THE PURCHASE OF LAND WHICH THE CITY HAS BEEN LEASING AS A STORM WATER RETENTION ON MARKET STREET IN HIGHWAY CITY (APN 508-082-02)

Removed from the agenda by staff.

(3-A) DIRECT STAFF TO CHANGE THE DESIGNATION OF BASIN B-F FROM GROUNDWATER RECHARGE BASIN TO BASIN PARK DESIGNATION - COUNCILMEMBER DAGES

Removed from the agenda by Councilmember Dages.

On motion of Councilmember Duncan, seconded by President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in opposition to Item 1-D.

Gloria Torrez stated consent items were not routine and needed to be discussed and acted upon separately; and spoke in opposition to Item 1-N due to the parking that was being taken from residents and lack of a hearing, stated bike riders needed to ride their bikes instead of taking their bikes on busses, and spoke in opposition to including the transit subsidy project wherein people from north Fresno/Riverpark are given free rides to downtown.

Also speaking in opposition to Item 1-N, specifically #3 and #4 (Ashlan Avenue) due to the parking that would be eliminated were: Robin Frost, 3265 W. Ashlan; Ken Holden, KFTV Channel 21, 3239 W. Ashlan; and Rebecca Esparza, 3520 E. Ashlan, representing an apartment complex that faces Ashlan and who also spoke for a daycare center.

(1-A) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TECHNICON ENGINEERING SERVICES, INC., (TECHNICON) FOR TESTING AND SPECIAL INSPECTION SERVICES FOR THE CONVENTION CENTER PARKING STRUCTURE

(1-B) APPROVE A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH COOPER PUGEDA MANAGEMENT, INC., (CPM) FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CONVENTION CENTER PARKING STRUCTURE

(1-C) RESOLUTION NO. 2004-168 - AUTHORIZING THE SUBMISSION OF THE APPLICATION AND AGREEMENT BETWEEN THE FRESNO COUNTY OFFICE OF EDUCATION AND CITY OF FRESNO FOR THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE COPS IN SCHOOLS GRANT (TO PROVIDE A SCHOOL RESOURCE OFFICER AT THE TEILMAN EDUCATIONAL CENTER)

(1-D) APPROVING THE NAME CHANGE OF FRESNO CHANDLER DOWNTOWN AIRPORT TO FRESNO CHANDLER EXECUTIVE AIRPORT

(1-E) APPROVE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT MILITARY CONSTRUCTION COOPERATIVE AGREEMENT BAK-14 CONSTRUCTION OF RUNWAY 29R, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-G) APPROVE APPOINTMENT OF BEATRICE JOHNSON TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

(1-H) AWARD A CONTRACT FOR \$126,766.10 TO AMERICAN PAVING COMPANY OF FRESNO FOR CONSTRUCTION OF PHASE 1B OF THE RIVERSIDE SECTION OF THE LEWIS S. EATON TRAIL

(1-I) AWARD CONTRACT TO INSITUFORM TECHNOLOGIES OF CHESTERFIELD, MISSOURI, IN THE AMOUNT OF \$278,405 TO REHABILITATE THE WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE PIPE IN AIRWAYS GOLF COURSE AND SHIELDS AVENUE

(1-J) APPROVE THE SALE OF 5.7 ACRES OF SURPLUS LAND FROM THE GRANTLAND TRUNK SEWER PROJECT NEAR SIERRA AND HAYES TO LENNAR FRESNO, INC. FOR \$179,000, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT AND GRANT DEED ON BEHALF OF THE CITY

(1-K) APPROVE ACQUISITION OF TWO (2) STREET EASEMENTS ON FRESNO COUNTY ASSESSOR'S PARCEL 504-090-83 FROM THE MARGARET M. JENSEN REVOCABLE TRUST, FOR A TOTAL OF \$25,3200 FOR THE WIDENING OF HERNDON AVENUE BETWEEN POLK AND WEBER AVENUES, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO SIGN THE DOCUMENTS ON BEHALF OF THE CITY

(1-O) AFFIRM APPOINTMENT OF DAVID COWIN TO THE NORTHEAST AREA PLAN AND IMPLEMENTATION COMMITTEE - COUNCILMEMBER DUNCAN

(1-P) RESOLUTION NO. 2004-169 - APPROVING THE FINAL MAP OF TRACT NO. 5010 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. COPPER AND N. CEDAR AVENUES IN COUNCIL DISTRICT 6

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT AND DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF APRIL 27 AND MAY 4, 2004

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Agency minutes of April 27 and May 4, 2004, approved as submitted.

(“A”) RECEIVE REPORT FROM THE FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT ENTITLED “WEST FRESNO COMMUNITY VISION PLAN” FOR DISCUSSION AND STAFF DIRECTION - COUNCILMEMBER STERLING

Councilmember Sterling gave a brief overview of the issue and introduced Keith Kelly from the Fresno West Coalition for Economic Development.

Keith Kelly, Board of Directors of the Fresno West Coalition, introduced partners Josh Meyer from the Local Government Commission in Sacramento and Jennifer Dansby from the COG, spoke briefly to the background of the coalition including its founding members and goal, and gave an extensive overview of the process that was undertaken and the West Fresno Vision Plan, all as contained in the material as submitted to Council **(2 - 0)**. Speaking further in support of the issue and/or to the process, recommendations and implementation were Agency Director Fitzpatrick, Mr. Meyer and Ms. Dansby.

Barbara Hunt, 2475 S. Walnut, spoke to southwest Fresno geographical issues.

Councilmember Duncan spoke in support stating this had been an extraordinary effort, stated he hoped this report would not ultimately become another report on a shelf somewhere and questioned if the city and agency had a plan to integrate the recommendations so that all the hard work would actually turn into positive results for the city (with Mr. Fitzpatrick and City Manager Hobbs responding), and stated accountability was important and requested quarterly update reports be included in any motion that is made.

Councilmember Sterling thanked all involved for their work and especially the community for their participation in the charrette, highlighted key points of the plan and recommendations, and made a motion that the Council and Agency receive the report, refer it to the public works department, the planning & development department, and the Agency for review, comment and appropriate implementation strategies to be incorporated as part of the projects in Southwest Fresno, and for staff to provide quarterly update reports to Council and the community, which motion was seconded and later acted upon.

Mr. Kelly and Planning & Development Director Yovino responded to questions and/or comments of President Castillo and Councilmember Dages relative to why only west Fresno was it issue as there were other areas of the city that were also in need of the same type of infusion, improvements complying with zoning ordinances and not using outdated ordinances, implementation and neighborhood concern that nothing would come of the plan, request to include in the quarterly reports funding sources and what has been accomplished and what partnerships have been formed, and the cost was to implement the plan.

Councilmember Calhoun stated this was a plan/proposal and was no different than any other plan that comes forward; acknowledged it was valuable plan and something that would fit into the mix of the annual plan but he hoped Council was not committing to funding anything this date; stated he was hearing this was something special and would get priority over anything else and stated that was not the way the city conducted business and clarified there was a process to be followed, questioned why quarterly reports were being

requested stating

143-177

5/18/04

they were not necessary, not much is accomplished quarterly anyway, they would be a burden on staff, and the Agency could give update reports, and concluded stating an appropriate motion would be to receive the report and refer it to staff to go through the process adding all parts of the city needed to be treated equally. President Castillo noted comments are made that projects such as this takes years and stated the lack of quarterly reports was part of the problem, and stated requests for quarterly reports were imperative and should be the norm for any project from now on.

Councilmember Sterling further clarified issues relative to the grant process and how the report was developed, and noting her district had most of the problems, especially in the area of infrastructure, stated she would make sure her district would not be left behind and that Council and the community would be kept informed and updated.

(3 - 0) Mr. Hobbs stated this plan created a vision for the area and had special legitimacy because it came from the neighborhood, and clarified the vision was worked out but not the “how to” and stated staff would look into funding opportunities later adding Councilmember Sterling’s reference of the No Neighborhood Left Behind program was a key opportunity and explained.

Councilmember Calhoun clarified he would abstain in the vote because of the provision for quarterly reports.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the “West Fresno Community Vision Plan” report received and referred to Agency and city public works and planning & development staff for review, comment and appropriate implementation strategies to be incorporated as part of their projects in Southwest Fresno, and staff directed to provide quarterly update reports, by the following vote:

Ayes :	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes :	None
Absent :	None
Abstain :	Calhoun

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The joint bodies adjourned their meeting at 10:37 a.m. and the City Council reconvened in regular session.

Visiting students from Vinland School were recognized and welcomed.

(10:05 A.M. #1) HEARING ON REZONE APPLICATION NO. R-04-01 AND ENVIRONMENTAL FINDINGS, FILED BY ROSIE HONG TRUONG, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MARKS AND W. MCKINLEY AVENUES IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-01, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-52 - ORDINANCE NO. 2004-53 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM AE-5/UGM TO C-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Marple reviewed the issue as contained in the staff report as submitted and recommended approval.

Rosie Truong, Applicant, stated she had nothing to add.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Ms. Marple and Planning & Development Director Yovino responded to questions and/or comments of Councilmembers Boyajian, Sterling and Duncan relative to whether a specific EIR and traffic study was conducted for this project, concerns with lack of sidewalks for children walking to the nearby elementary school and the lack of notice given to Caltrans, why the actual rezone was being done before a plan, if approval would bring the property into conformance with the general plan and allow it to move forward to the next phase, if pre-zoning to conform with the general plan was being done a lot, and this action not being a deviation from anything that has been done lately.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental

finding of Environmental Assessment No. R-04-01, issued on February 25, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-52 rezoning the site adopted as Ordinance No. 2004-53, by the following vote:

143-178

5/18/04

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Boyajian
Absent : None

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(10:05 A.M. #2) HEARING ON REZONE APPLICATION NO. R-03-56 AND ENVIRONMENTAL FINDINGS, FILED BY SID DELA TORRE ON BEHALF OF ROBERT T. DO, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF W. KEARNEY BOULEVARD AND S. CRYSTAL AVENUE IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-56, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-53 - ORDINANCE NO. 2004-54 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1-A/UGM ON THE NORTHERN PORTION AND R-1/UGM ON THE SOUTHERN PORTION

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Salinas reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Applicant Sid DeLaTorre, support; and Barbara Hunt, 2475 S. Walnut, opposed.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. DeLaTorre responded affirmatively to questions of Councilmember Sterling relative to whether the developer would pay his fare share of fees for infrastructure.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the environmental finding of Environmental Assessment No. R-03-56, dated November 12, 2003, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-53 rezoning the site adopted as Ordinance No. 2004-53, subject to the following conditions: (a) Recordation of an avigation easement concurrent with the approval of a final tract map, conditional use permit, or site plan review application, (b) Maximum density of 150 persons per acre on the subject site, and (c) Height limitation on structures, trees, and other objects in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (FAR), by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:05 A.M. #3) HEARING ON REZONE APPLICATION NO. R-04-12 AND ENVIRONMENTAL FINDING, FILED BY LARRY ROSA, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. MAPLE AND E. OMAHA AVENUES IN COUNCIL DISTRICT 6

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-12, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-54 - ORDINANCE NO. 2004-55 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Grinstead reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-04-12, issued on April 1, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-54 rezoning the site adopted as Ordinance No. 2004-55, by the following vote:

143-179

5/18/04

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:15 A.M.) RESOLUTION NO. 2004-170 - EXPRESSING INTEREST AND DIRECTION IN PURSUING AN AGREEMENT FOR INTERNATIONAL AIR SERVICE AND SUPERSEDING RESOLUTION NO. 99-137, AS AMENDED - PRESIDENT CASTILLO

President Castillo made a motion to adopt the resolution, as amended, to (1) add: "*WHEREAS, it is acknowledged that the Central Valley is the largest producer of agriculture based products in the nation;*", and (2) on Page 2, #6, add specific individuals from the ag community (Debbie Jacobsen/Fresno County Farm Bureau, Joel Nelsen/California Citrus Mutual, Barry Bedwell/California Grape and Tree Fruit League, Steve Vasquez/Ag Advisor, University of California, and Manuel Cunha, Jr./Nisei Farmers) to be considered for inclusion in the task force to work with the city in the meet and confer process, which motion was seconded by Councilmember Dages.

Speaking to the issue and requesting action be delayed two weeks to allow everyone that needs to be at the table to be brought in, to allow the continued gathering of information, and to allow unanswered questions to be answered were: Debbie Jacobsen, Fresno County Farm Bureau, 426 W. Adams, who also suggested language be included to allow for alternates to stand in for the designated representatives, if needed; Manuel Cunha, Jr., Nisei Farmers League, 1775 N. Fine; and Joel Nelsen, California Citrus Mutual, 512 N. Kaweah, Easton

Speaking in support of the resolution/motion were: Stephen Rico, Madera Hispanic Chamber of Commerce, 11110 El Capitan, Madera; Rojelio Vasquez, Central California Hispanic Chamber of Commerce, 2331 Fresno Street; Ignacio Garibay, 2533 N. Knoll; and Sarah Woolf, representing Congressman Dooley's Office.

Barbara Hunt, 2475 S. Walnut, spoke in opposition to the issue.

Councilmember Duncan stated he attended the meeting held last Friday (**4 - 0**) and it was clear to him when he left that there was still a long ways to go, relative to the request to delay action stated city staff members agreed at that meeting to the delay for the reasons presented, advised a sobering aspect of that meeting was a description by Fresno County Ag Commissioner Paretta of what would happen if only one bug were to be found and stressed the information was chilling and encouraged the media to talk to the commissioner and ask what the implications were, and requested confirmation from staff that there was consensus at Friday's meeting that staff would request this item be continued to June 8th to allow the ag community to further confer with homeland security and some other agencies, with Assistant City Manager Ruiz responding and advising of other issues that were discussed at the meeting. Relative to last Friday's consensus for a delay, City Manager Hobbs advised Mr. Ruiz did share that information and request with him and President Castillo and stated President Castillo still wanted to have the matter on the agenda this date and staff was respecting that.

Councilmember Duncan stated he felt this action needed to be delayed and the resolution needed some major boosting relative to the city's commitment to agriculture, noted Deputy Mayor Montero started off Friday's meeting with a commitment by the Mayor that nothing would happen until ag's concerns were met and stated the resolution as presented was far from that, strongly recommended staff and the ag community continue to work together to come back with a win-win stating this resolution, if adopted, would start the process off on the wrong road, and made a motion to table the matter to June 8th.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to table the matter to June 8, 2004, failed, by the following vote:

Ayes : Calhoun, Duncan
Noes : Boyajian, Dages, Perea, Sterling, Castillo
Absent : None

Lengthy discussion ensued. Councilmember Duncan stated he would strongly oppose the motion as it did not come anywhere close to resolving the concerns of agriculture, stated the city would find itself in a very limited position in terms of what it can and can not do, and stated ag was our partner and he was not getting a good signal that the city was real serious about making them partners in the solution. Councilmember Dages stated the inspection process/system would be passengers' first impression of the city and that was a very important issue, emphasized having Mexicana Airlines would bring other airlines here and more people into our community, and stated FYI was a gorgeous airport and a state of the art airport and emphasized the inspection facility also needed to be state of the art. Councilmember Sterling recommended Homeland Security and the other entities that were not mentioned be included so that no one is left out emphasizing it was very important that everyone be at the table and added this resolution would provide for that.

143-180

5/18/04

Upon question of Acting President Perea City Attorney Montoy stated adoption of the resolution would not tie the city hands, it would not preclude staff from working with any agency not specifically listed in the resolution, it did not mean the city was entering into a contract with Mexicana Airlines this date or that international flights would start immediately after adoption of the resolution, clarified it simply meant the city was expressing its interest to pursue negotiations with Mexicana Airlines, it was directing staff to start the process, it would provide for the kind of due diligence necessary to proceed, and added anything that comes to fruition as far as what staff negotiates would come back to Council in a form that meets all applicable laws and regulations.

Councilmember Calhoun stated regardless of what the city attorney stated he felt the message here was a subtle one in that portions of the community were being left out, stated he detected a bad taste and he could not understand why this matter was being rushed through, noted there was general consensus that bringing in an international carrier was the right direction to go but stressed the city had to be very careful in the process, and stated his support for waiting a couple of weeks to allow the parties to work through this process rather than sending them out of this room with bruised feelings saying "we weren't listened to". Councilmember Duncan stated if a pest was found it would affect Madera, Kings and Tulare counties and questioned what formal actions have been taken to brief the counties, request the support of any resolutions, or obtain their input, with Mr. Hobbs responding. Mr. Hobbs added he did not know what "all the hoopla" was about stating proviso 1 and 6 of the resolution captured a very reasonable position and one that he has previously articulated, read the provisions into the record, and clarified ag's concerns were being explored on an equal field and stated this was a reasonable position to take from his perspective. Councilmember Duncan stated he was hearing a shift from what he heard at Friday's meeting relative to ag's interests being strongly represented, questioned what the harm was in waiting two weeks if the city was truly concerned with ag's needs, reiterated staff stated they would ask that the matter be delayed and stated something changed since last Friday, and stated the resolution was almost patronizing and the city needed to be cognizant that this was a valley issue and the needs of agriculture needed to be clearly defined.

Councilmember Boyajian stated he did not understand all the doom and gloom, emphasized Council would not approve anything that would not protect agriculture, questioned what was in the motion that was excluding anyone, stated he agreed with the city manager's position and stressed ag would be at the table, questioned if the task force would consist of agriculture representatives and if there was a timeline for a report back to Council, and stated a process would be undertaken with the task force, there would be opportunities to debate all issues, and ag would have their day on the task force and at public hearings.

Relative to last Fridays' meeting, Mr. Hobbs clarified only a recommendation came out to request that action be delayed and that President Castillo chose to keep his item on the agenda and it was his right to do so.

President Castillo referenced a list of over 100 fruits and vegetables that come into the city from Mexico, read some into the record and advised the majority came from designated "fruit fly free areas", relative to inspection processes/protocol stated he would assume there would be a greater risk of an infestation coming from those products compared to individuals boarding off an airplane, and presented questions relative to whether there was any portion of federal and state regulations that city could not implement and get away with, and various questions relative to the inspection process, station, inspectors, and ag's concerns expressed last Friday, with Interim Transportation Director Esquivel responding.

On motion of President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-170 hereby adopted, *as amended*, adding "*WHEREAS, it is acknowledged that the Central Valley is the largest producer of agriculture based products in the nation;*", and on Page 2, #6, adding specific individuals, or designated alternates, from the agricultural community (Debbie Jacobsen/Fresno County Farm Bureau, Joel Nelsen/California Citrus Mutual, Barry Bedwell/California Grape and Tree Fruit League, Steve Vasquez/Ag Advisor, University of California, and Manuel Cunha, Jr./Nisei Farmers) to be considered for inclusion in the task force to work with the city in the meet and confer process by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling, Castillo

Noes : Duncan
Absent : None
Abstain : Calhoun

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(10:30 A.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-M) RESOLUTION NO. 2004-171 - ALLOWING FOR THE INSTALLATION OF A “NO STOPPING OF VEHICLES OVER 6 FEET IN HEIGHT” ZONE ON KINGS CANYON ROAD BETWEEN PHILLIPS AND FOWLER AVENUE (STATE ROUTE 180 - ZONE APPROVED BY CALTRANS)

143-181

5/18/04

Councilmember Duncan made a motion to approve.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-171 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(1-F) APPROVE PROPOSED AMENDMENTS TO THE FY 1996 - 1999 ANNUAL ACTION PLANS DELETING THREE PROJECTS PREVIOUSLY FUNDED THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

1. RESOLUTION NO. 2004-172 - 85TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$256,100 TO REPAY THE FUNDS TO THE CDBG LINE OF CREDIT

Staff responded to questions of Councilmember Boyajian relative to where the funds were/if the city had the funds/if the city lost the funds, and what the funds would be spent on.

On motion of Councilmember Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-172 hereby adopted, and the 1996-1999 Annual Action Plans amended to delete three ineligible projects and repay the funds to the CDBG line of credit, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(1-N) RESOLUTION NO. 2004-173 - 66TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$53,000 TO THE PUBLIC WORKS CAPITAL BUDGET FOR THE INSTALLATION OF BICYCLE LANES ON: (1) BULLARD AVENUE BETWEEN FIRST STREET AND CEDAR AVENUE IN THE AMOUNT OF \$10,064; (2) FRUIT AVENUE BETWEEN MCKINLEY AND OLIVE AVENUES IN THE AMOUNT OF \$11,792; (3) ASHLAN AVENUE BETWEEN GOLDEN STATE BOULEVARD AND WEST AVENUE IN THE AMOUNT OF \$22,425 (*failed*); AND (4) ASHLAN AVENUE BETWEEN CEDAR AVENUE AND FIRST STREET IN THE AMOUNT OF \$8,719 (*failed*), AS AMENDED, DELETING #3 AND #4 (ASHLAN AVENUE)

Transportation Manager Benavidez and City Attorney Montoy responded to questions of Councilmembers Boyajian and Dages relative to whether the speed of drivers is considered when determining bike lanes, if bike lanes could be placed away from curbs so vehicles can still park, concerns with the eliminated parking and if some concessions had been made, if staff felt it would be beneficial to continue to meet/work with those affected to address outstanding issues (**5 - 0**), restricted and non-restricted parking and hours, why bike lanes that do not prohibit parking could not be installed everywhere so all the concerns and debate that occur each time these matters come before council can be eliminated, and if all bike lanes could be eliminated and replaced with bike paths.

A motion and second was made to approve Nos. 1 and 2 only. City Manager Hobbs and Mr. Benavidez clarified if council votes against any of the proposed bike lanes the city would lose the funds, they could not be shifted to another project, and they would go back to the San Joaquin Valley Air Pollution Control District. Mr. Hobbs continued and stated staff's dilemma was Council adopted a plan and

established a committee but each time items are brought forth for execution he feels staff is fighting Council and clarified that was not the intent, acknowledged some things have improved but stated staff was still open to any further suggestions relative to how they can do better down the road, and stated there was a policy conflict here -- bike lanes versus parking -- and commended staff for doing the best they could.

Councilmember Calhoun stated he resented the fact that some areas of the city would be devoid of bike lanes when bike lanes were put in his district over the objections of individuals who also did not want to lose parking; stated from a policy standpoint it bothered him a lot and he did want everyone riding bikes in his district and not being able to ride in the southeast where new development was being pushed; stated he was seeing a pattern developing here of "we're not going to have them" and stated members should not be so parochial and lanes should not be denied for the greater good because of two or three members; and stressed this was the city's plan and bike lanes, not paths, were needed for safety reasons throughout the city. Acting President Perea stated he agreed and stressed at issue was an adopted policy and it was being picked apart, and stated Council should follow through on what they adopted. Councilmember Boyajian also concurred and expressed his frustration and questioned if Council was going to support the policy or not.

143-182

5/18/04

Speaking to the issue were: Robin Frost, spoke in support of the motion; Nike Paladino who spoke to and in support of bike lanes and a workshop; and Ken Holden, Channel 21, support for the motion.

President Castillo stated he, too, shared Councilmember Calhoun's sentiments and spoke briefly to his decision to uphold the adopted plan and to how he was belittled and insulted by KMJ because he "held the line" and did not heed to the calls of one business.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Items #1 and #2 hereby approved and the above entitled Resolution No. 2004-173 hereby adopted, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

A motion of President Castillo, seconded by Councilmember Calhoun, to approve Items #3 and #4 failed, due to the need for 5 affirmative votes, by the following vote:

Ayes	:	Boyajian, Calhoun, Perea, Castillo
Noes	:	Dages, Duncan, Sterling
Absent	:	None

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LUNCH RECESS - 12:34 P.M. - 1:15 P.M.

(10:30 A.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: ELENA N. TSUCHIYA V. THYSENKRUPP ELEVATOR CORPORATION, CITY OF FRESNO

Not held/settled.

(B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY: ONE PARCEL (APN 450-154-01) LOCATED AT 761 W. HAMMOND AVENUE, FRESNO, OWNED BY ROSA E. SOLORIA

CITY NEGOTIATORS: ASSISTANT CITY MANAGER JON RUIZ AND INTERIM PUBLIC WORKS DIRECTOR MIKE KIRN

NEGOTIATING PARTIES: ROSA E. SOLORIA AND CHARLIE CLARK

UNDER NEGOTIATION: REVIEW OF APPRAISAL AND DIRECTION TO STAFF

The City Council met in closed session in Room 2125 at the hour of 1:15 p.m. to consider the above issue and reconvened in regular open session at 1:49 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of Item B, a motion to direct staff to negotiate a purchase by extending an offer of up to \$70,000 failed on a vote of 3-4, with Councilmembers Duncan, Sterling and President Castillo voting "Yes".

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(3-B) DIRECT CITY MANAGER TO MAKE AN OFFER OF FREE LAND IN ROEDING PARK, ADJACENT TO OR NEAR THE CHAFFEE ZOO TO AQUARIUS INSTITUTE, OF SUFFICIENT SIZE TO ACCOMMODATE THE CONSTRUCTION AND OPERATION OF AN AQUARIUM PROJECT - COUNCILMEMBER DUNCAN

Councilmember Duncan clarified the intent of his item was to approach the owners of the aquarium, advised the concept of the two facilities being in close proximity to each came up during the zoo study and very compelling arguments were made relative to the benefits, and made a motion to direct staff to contact the organization to see if they are interested, which motion died for a second. There was no further discussion.

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143-183

5/18/04

(2-A) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS, FOR INSPECTION, EVALUATION AND DESIGN OF REMEDIATION PROJECTS FOR THE WASTEWATER COLLECTION SYSTEM

Public Utilities Director McIntyre reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support. Councilmember Calhoun briefly left the meeting at 1:58 p.m.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the professional services agreement with Blair, Church and Flynn in the amount of \$2,028,780 hereby approved, and the Public Utilities Director authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	Calhoun

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(11:00 A.M.) HEARING ON THE FISCAL YEAR 2004-2005 CITY OF FRESNO BUDGET

1. RESOLUTION - ADOPTING THE FY 2004-2005 BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)
2. RESOLUTION - ADOPTING THE FY 2004-2005 POSITION AUTHORIZATION RESOLUTION (PAR)
3. RESOLUTION - ADOPTING THE ANNUAL AMENDMENT TO MASTER FEE SCHEDULE RESOLUTION NO. 80-420
4. BILL (FOR INTRODUCTION AND ADOPTION) - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
5. SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2004-2005 GANN APPROPRIATION LIMIT
6. RESOLUTION - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES - FY 2005 SALARY RESOLUTION

DEPARTMENTS SCHEDULED FOR PRESENTATIONS/COUNCIL CONSIDERATION (AS TIME PERMITS):

1. PUBLIC WORKS DEPARTMENT
2. PAKS AND RECREATION DEPARTMENT
3. CONVENTION CENTER
4. GENERAL CITY PURPOSE
5. POLICE DEPARTMENT

President Castillo announced the time had arrived to consider the issue and opened the hearing and public testimony. Councilmember Calhoun returned to the meeting at 2:00 p.m.

Barbara Hunt, 2475 S. Walnut, spoke to various budget issues.

Councilmember Calhoun advised he would bring up the trails issue during public works' presentation.

Budget Manager Smith acknowledged and thanked all city staff involved in the budget process, administrative staff for their support and leadership, and the Mayor for his vision, and gave an extensive overview of the budget format **(6 - 0)**.

PUBLIC WORKS DEPARTMENT:

Interim Public Works Director thanked budget staff, his assistant directors, and his Finance Manager Amber Adams, and gave a PowerPoint presentation of his department's budget which included FY 04's accomplishments, Public Works in the Future (out of the box planning), Key Result Goals, Capital - Downtown and Beyond, Street Maintenance, and public works' challenges.

Councilmember Duncan spoke to the issue of goals stating they were pretty much entrenched as city policy but he did not recall the Council weighing in on them and giving input, and stated he was somewhat concerned as they were the Mayor's goals and not the city of Fresno's goals and requested in the future that Council be included up-front and that a workshop be set to discuss goals. Councilmember

143-184

5/18/04

Duncan continued and spoke to the issue of median island maintenance and areas where maintenance was not occurring or was being ignored, displaying photographs on the overhead to illustrate, and stated it was time to go to the next step and move the maintenance service from the parks and recreation department to the public works department as was done with trees last year so public works can aggressively attack the issue.

MOTION - Duncan/Calhoun - (1) Move all responsibility for street landscaping maintenance, including median island, Community Maintenance Districts and Landscape Maintenance Districts, from the Parks Department to Public Works, Streets Division; (2) move the staff involved in approving landscaping plans for projects and subdivisions to public works to streamline project approval, (3) transfer the \$2.331 million in funding currently used for this purpose from the Landscape Maintenance District #2, Community Facilities District #2 and Community Sanitation Operating budgets, and (4) direct staff to establish the process that any excess money saved as a result of improved efficiency or other additional revenue stay within the department to provide for additional work by this department.

City Manager Hobbs and Mr. Kirn responded to questions and comments of Councilmember Duncan relative to the cost of the Traffic Operation Center (TOC) system, signal synchronization and shortfall of funds for full synchronization, what the impact would be of full synchronization, why trolley service was being funded instead of full synchronization as synchronization would more positively impact air quality, when the TOC will be fully operational, if TOC funds or staff were lacking, and request for a detailed breakdown on the Parking Fund expenditures.

Councilmember Calhoun stated he agreed with Councilmember Duncan on the goals issue; relative to street maintenance unmet needs questioned why streets were being left behind and spoke to the importance of preventive maintenance and to provide funding; presented questions relative to what the increase in CDBG funding was and why FY 04 figures were off by \$1 million (with Ms Smith responding); and spoke to the trails issue and funding that was discussed last year and how it was felt the city should help with the funding to continue the trail development process which was still in the initial stages.

John Valentino, Tree Fresno and Coalition for Community Trails, and Mark Keppler spoke to and reviewed the 214-mile "Master Urban Parkway Plan" and the Bankside and McKenzie Trail projects and costs **(7 - 0)**, displaying a map on the overhead to illustrate, and along with Assistant Public Works Director Elam responded to questions and clarified issues relative to cost and funding.

MOTION - Boyajian/Calhoun - Fund the Bankside Trail Project and the McKenzie Trail Project at the approximate cost of \$200,000.

Mr. Kirn, Mr. Hobbs, Ms. Smith, Transportation Manager Madewell, Controller/Finance Director Quinto and Assistant Public Works Director for Streets Dilley responded at length to questions, comments and concerns of Councilmembers Dages and Boyajian relative to vacant positions, what happens to the funds for positions that are not filled, possible need to eliminate the vacant positions and move the funds to Overtime, bonding for a UGM fire station, the \$45 million No Neighborhood Left Behind Program (NNLBP) and concern that the forfeited funds were not going to go towards paying the bond this fiscal year, where the forfeited funds were allocated to this year,

why the issue was presented to Council to forfeit all funds except for \$50,000 and concern that the matter was described/presented to Council one way and was happening another, possibility of making a motion to restore the funds back to council infrastructure budgets, concern with the number of consultants and cost therefor, the \$300,000 miscellaneous expenditure, the unmet needs including need to maintain streets and if that need could be bonded with the NNLBP, charging for the trolley service, the grant writer, and the inequity of the NNLBP and considering making a motion to make it more equitable for all districts, **(8 - 0)** with brief discussion ensuing on the NNLBP. Councilmember Dages presented additional questions relative to the funds allocated for the fairgrounds park, Proposition 40 dollars, if the department was changing to get away from the general fund, railroad crossing improvements and projects, and if the Peach Avenue project was progressing.

Acting President Perea stated he concurred with the concerns expressed relative to the NNLBP and added the message was clear to Council that the forfeited funds would pay the bond and Council was now being told they would pay the bond in 2006, and stated the whole idea was the funds would go to a specific purpose and that was why Council gave up the funds this year, with Mr. Hobbs responding.

President Castillo requested staff respond by tray memo on the status of hiring staff for the NNLBP, request for breakdown on special projects in Engineering, reason for increase in miscellaneous expenses and what those expenses are, why left turns were not on the priority list, overtime charges and need to hire people, and the increase in variable charges and request for a breakdown.

There was no further discussion.

143-185

5/18/04

PARKS AND RECREATION DEPARTMENT:

Parks & Recreation Director Smejkal introduced key staff in attendance and gave a PowerPoint presentation on her department's budget which included the department's mission, accomplishments, highlights and goals of the Administrative, Community Services, Recreation, Zoo and Parks Divisions, and FY 05 key result areas and initiatives.

Councilmember Calhoun stated he had some issues with the educational portion relative to developing or expanding five new programs totaling \$1.7+ million and the funds in CDBG for the Key Result Area (KRA)/Education and elaborated.

MOTION - Calhoun/Duncan - All funding for the Education/KRA as outlined on Page 11 be placed into a Contingency Fund until a strong case with a specific implementation and spending plan can be made for these new programs, including collaboration with the school districts, with a deadline of October 1st.

Councilmember Duncan stated he also shared a lot of Councilmember Calhoun's concerns on the scope and growth of the education programs and spoke to the historic uncertainty in the city's budget stating if there was ever a year to *not* start major initiatives this was it. Ms. Smejkal, Recreation Manager Dean, Budget Manager Smith, City Manager Hobbs and Parks Manager McHatten clarified issues and/or responded to questions, comments and/or concerns of Councilmembers Duncan, Sterling and Calhoun relative to the enrichment program including number of sites/difference from last year, increased funding this year, funding source/where the funds for the increase were being shifted from, **(9 - 0)** concern with the massive dollars for the program and lack of information on how well that program is working, the KRA and goals and what other programs were being funded, concern with the cost and why new programs were being established when old programs could be re-enhanced/expanded and would be happy to receive additional funds, Councilmember Calhoun clarifying his motion encompassed Page 11 in its entirety, the under-utilization of the Rotary Amphitheater at Woodward park, the increase to the Senior Hot Meals program, and park fees and discrepancy between Roeding's \$1.00 entrance fee and Woodward's \$3.00 entrance fee.

MOTION - Calhoun/Boyajian - Increase the Roeding Park entrance fee to from \$1.00 to \$2.00 per car and place the additional revenue directly back into the park to fund needed improvements.

Discussion ensued with Deputy Recreation Manager Epperson and Ms. Smejkal responding to questions and comments of Councilmembers Boyajian and Dages relative to the skate park vendors and need for a skate supply vendor, Eaton Plaza Phase 1 plans, if the department had a grant writer, the proposed educational programs and Fresno Unified and existing clubs/organizations already doing the same thing, perception that the department is being circumvented/having the rug pulled out from under them, last year's

debate/discussion on education and Council saying “no”, concern with programs going over and above recreation, irrigation staffing, the science project and grant funding, if the new programs are really necessary and need to take care of old programs first (i.e. youth baseball leagues), problems caused by trees in park strips, median islands being under-funded, inadequate funding for improvements to community centers and support for education funds to go back into community centers, and need for an additional grant writer.

Ms. Quinto advised staff would provide a specific list of all of the educational and after-school programs with the current level of funding (FY 04) and the new programs/initiatives, and clarified comments on \$2.7 million of *new* funds for education was incorrect as they were mostly a continuation of programs and the grand total was \$1.7 million of CDBG funds.

Acting President Perea stated he would oppose raising the entrance fee to Roeding Park as he felt that was not something the city needed to do, relative to the educational programs stated he would need to be convinced why Council should support them, and along with Councilmembers Calhoun and Sterling presented questions relative to whether Ms. Quinto’s report would include the funding source for the \$1.7, if certain programs were defunded in order to provide new initiatives, cost for Eaton Plaza build-out and amount spent on the Master Plan, senior hot meals program and the budget indicating the program was expanded, request for Ms. Quinto to include in the report comparisons of the city’s programs with clubs’ existing programs, and senior needs (**10 - 0**) and existing programs that address those needs that can use additional funds, with Ms. Quinto, Management Analyst Milavich, Ms. Smith and Ms. Smejkal responding throughout.

Education Advocate Madrid, Mayor’s Office of Education, addressed at length concerns and comments relative to the education programs and clarified they were being proposed as part of the city’s comprehensive effort and contribution towards youth, education and workforce development, they came about through a unique process involving department directors and key city staff, they were enhancements to existing programs and not duplications, and elaborated throughout stressing there was a tremendous need for after-school programs.

143-186

5/18/04

Lengthy discussion continued with Mr. Madrid, Ms. Smejkal, Ms. Quinto, Education Advocate Warner and Mr. Dean responding to questions and comments of Councilmembers Sterling and Boyajian, Acting President Perea and President Castillo relative to last year’s READY Program debate and concern when people start losing their jobs, how many jobs would be lost in implementing the proposed programs, FUSD’s statement that the Mayor’s Office of Education does not collaborate with them at all, importance of collaborating and working together, Acting President Perea requesting a phone call or letter from the educational community that staff is working with stating the programs will not duplicate anything, or if they will duplicate, stating the program(s) will enhance their programs, continued questions relative to whether proposition grant funds are project specific, reason for the increase in the community services division, the employment skills program, who would administer the educational reading program, schools not being utilized on weekends being a waste and why schools are not being staffed on weekends, the Senior Youth Buddy Program funds, the substance abuse program, and entrance fee at Woodward Park.

MOTION - **Castillo/Sterling** - Reduce the Woodward Park entrance fee to \$1.00 and offer a \$25.00 yearly pass.

Relative to vocational schools versus community schools, Mr. Madrid clarified the Mayor did speak to Mr. Mehas and Mr. Crow on the vocational school.

Councilmember Duncan spoke in opposition to reducing Woodward park’s entrance fee stating the park’s infrastructure was in danger before the fee was increased and emphasized the additional funds were very valuable and were being used appropriately, and added there has been no decrease in attendance since last year.

There was no further discussion.

At 6:08 p.m. brief discussion ensued on whether to continue with the budget and it was determined to hear the Convention Center’s budget and continue the other departments to next week. Mr. Hobbs advised the police budget would have to be held off until June 8th as Chief Dyer was back east meeting with Homeland Security officials whereupon President Castillo stated he would confer with the city manager and set a date for the police budget.

CONVENTION CENTER DEPARTMENT:

Assistant City Manager Souza gave a brief explanation of how the Convention Center's numbers were established in the budget, and Bill Overfeld, General Manager from SMG, reviewed the department's budget, contract, goals and projections, events and **(11 - 0)** initiatives.

Discussion ensued with Mr. Overfeld, Mr. Souza and Controller/Finance Director Quinto responding to questions of Councilmembers Calhoun, Sterling, Dages and Boyajian relative to the transition of city employees, relationship with the downtown stadium's management, if there was any room to tweak the lease agreement to make it a win-win instead of a lose-lose, increase in the department's operating expenses, insufficient hotel rooms downtown and pursuing another hotel, the \$50,000 for special events including the problem encountered last year and if that \$50,000 should be in the control of the Convention & Visitors Bureau (CVB), the CVB's agreement with SMG and if the city still funds the CVB, the stadium's negative debt and the city's obligation, upcoming events, where the \$5 million is going to, the savings and where and when they will be shown, existing studies on Selland Arena improvements, types of innovations being considered to bring the entire complex back, involvement with arena football and if other franchises were being looked at, and opening the new exhibit hall to other entrepreneurial uses and not just conventions.

There was no further discussion and the hearing was continued to Tuesday, May 25, 2004, at 11:00 a.m.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING THE GOVERNOR'S BUDGET

Appearance made; no action taken.

COUNCIL ACTION THIS DATE ON ITEM 1-N REGARDING BIKE LANES - COUNCILMEMBER STERLING

143-187

5/18/04

Councilmember Sterling questioned if Council was aware that by denying #3 and #4 the funds for the two projects would be forfeited as they could not be appropriated to another project, with members stating staff did confirm that. Brief discussion ensued on whether it would be appropriate to reconsider the issue, if there was a deadline on the use of the funds, City Attorney Montoy advising Council of their options, and the possibility of bringing the matter back in one week.

ACTION TAKEN ON CLOSED SESSION ITEM B - HOME AT 761 W. HAMMOND - PRESIDENT CASTILLO

President Castillo advised after closed session he was made aware members of the Wesson Family began moving back into the home, stated he did not know that the home had never been a protected as a crime scene, advised the family was given the keys to the home as soon as the memorial was taken down, added neighbors were being threatened by the family as they did not want the city to know they were moving back in, stated part of the reasons for the votes that were taken this date in closed session was based on information Council thought to be true, stated he thought the home could not be touched until the trial was over, and stated it was important for Council to be made aware of all the facts and Council was not aware the city could have taken possession of the property immediately, with City Attorney Montoy responding and clarifying issues. Councilmember Calhoun raised a point of order stating the matter was considered in closed session and it was not appropriate to discuss this in open session, with President Castillo stating he would place the matter back on the agenda due to the additional information.

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President Castillo officially recessed the FY 05 budget hearing and continued it to May 25, 2004. Brief discussion ensued on scheduling an additional date(s) to catch up and because there was no meeting scheduled on June 1st, whereupon it was the consensus of Council to not set any additional dates at this time and leave the current schedule as is since Council could always go later than 5:30 p.m. if necessary.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:54 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____25th____ day of ____May____, 2004.

_____/s/____ ATTEST:_____/s/____
Brad Castillo, Council President Yolanda Salazar, Assistant City Clerk